

STATE OF NEW JERSEY

EXECUTIVE DEPARTMENT

**A PLAN FOR THE TRANSFER OF THE DIVISION OF BUSINESS ASSISTANCE,
MARKETING, AND INTERNATIONAL TRADE, AND ITS FUNCTIONS, POWERS,
AND DUTIES FROM THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY TO
THE DEPARTMENT OF STATE**

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 003-2011 (the "Plan"), to transfer the Division of Business Assistance, Marketing, and International Trade, commonly known as the Business Retention and Attraction Division (hereinafter referred to as the "Division"), within the New Jersey Economic Development Authority (the "Authority"), to the Department of State (the "Department"), thereby promoting efficiency and effectiveness in the operations of the executive branch by streamlining the management and execution of important business-related priorities of the State. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3 (2010). In its April 19, 2010 report, the Red Tape Review Group endorsed a new model for job creation and retention, and economic growth and investment in the State, via the consolidation of existing economic development programs to a central entity under the supervision of the Lieutenant Governor in her capacity as Secretary of State.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to streamline important management and execution responsibilities with respect to business-related priorities of the State. The Division was established following a 2008 State government realignment pursuant to which certain business-related functions previously performed by the New Jersey Commerce Commission were transferred to the Authority. Division staff are responsible for focusing on domestic and international business attraction, expansion,

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and retention efforts, as well as outreach and planning functions and maintenance of a business call center.

In 2010, the Administration announced the commencement of a multifaceted outreach and business-assistance effort headed by the Lieutenant Governor in her capacity as Secretary of State. The effort included organizational as well as strategic elements to attract new businesses to New Jersey and help existing businesses thrive by focusing on increased relationship-building and person-to-person outreach, coordinated promotion of state incentives and resources, and enhanced assistance for businesses navigating state government programs and processes. The Lieutenant Governor's efforts include the creation of the Business Action Center to serve as a comprehensive resource for all businesses located in, or considering relocation to, the State. Since that time, the Department and the Authority have entered into, and operated effectively under, a Memorandum of Understanding pursuant to which Authority personnel from the Division work closely with Department staff to support the efforts of the Business Action Center. This arrangement has proven successful in bringing increased customer services and coordination for businesses looking to remain, expand, or locate in New Jersey.

Consistent with the goals of that effort, the purpose of this Plan is to improve efficiency, promote coordination, and improve quality in the performance of the responsibilities of the Division by transferring its functions, powers, and duties to the Department to support the Business Action Center. Accordingly, this Plan transfers the Division and all of its functions, powers, duties, and personnel to the Department.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C.52:14C-1 et seq.), I find, with respect to the transfer

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provided for in this Plan, that it is necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The Division of Business Assistance, Marketing, and International Trade created pursuant to P.L. 2008, c. 27 (C.34:1B-210 et seq.), commonly known as the Business Retention and Attraction Division, including the Motion Picture and Television Development Commission ("Motion Picture Commission") created pursuant to P.L. 1977, c. 44 (C.34:1B-24), which is in, but not of, the Division, within the New Jersey Economic Development Authority is transferred to the Department of State.

2. All of the powers, functions, and duties exercised by the Division, including the powers, functions, and duties of the Motion Picture Commission, are continued, transferred to, and vested in the Department, to be organized within the Department as determined by the Secretary of State, in support of the operations of the Business Action Center.

3. All files, books, papers, records, equipment, other property held by or on behalf of the Division, including,

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without limitation, funds and other resources, and personnel are transferred to the Department, pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C.52:14D-1 et seq.), and funds are to be deposited in such accounts as may be required by law.

4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Division of Business Assistance, Marketing, and International Trade or the Business Retention and Attraction Division within the New Jersey Economic Development Authority is made, the same shall mean the Business Action Center in the Department of State, and whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Motion Picture and Television Development Commission, the same shall mean and refer to the Motion Picture and Television Development Commission in, but not of, the Business Action Center, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with the provisions

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of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."